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HIGHLY MIGRATORY FISH STOCKS
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Item 3 of the provisional agenda*

ADOPTION OF THE RULES OF PROCEDURE

Provisional rules of procedure

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PROVISIONAL RULES OF PROCEDURE

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference and that of the European Economic Community shall consist of accredited representatives and such alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the United Nations, if possible not later than 24 hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or, in the case of the European Economic Community, by the President of the European Commission.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its forty-seventh session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of States participating in the Conference the following officers: a Chairman, three Vice-Chairmen and a Rapporteur. These officials shall be elected giving due regard to equitable geographic representation. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the Chairman

Rule 7

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. The Chairman shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The Chairman may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Conference.

Acting Chairman

Rule 8

1. If the Chairman is absent from a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of the Chairman

Rule 9

If the Chairman is unable to perform his functions, a new Chairman shall be elected.

Voting rights of the Chairman

Rule 10

The Chairman, or a Vice-Chairman acting as a Chairman, shall not vote in the Conference, but may appoint another member of his delegation to vote in his place.

III. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General of the United Nations

Rule 11

1. The Secretary-General of the United Nations shall act in that capacity in all meetings of the Conference and its subsidiary bodies.

2. The Secretary-General of the United Nations may designate a member of the secretariat to act in his place at these meetings.

3. The Secretary-General of the United Nations shall provide and direct the staff required by the Conference.

Duties of the secretariat

Rule 12

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce, publish and circulate the documents of the Conference;

(c) Make and arrange for the keeping of sound recordings;

(d) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations;

(e) Generally perform all other work that the Conference may require.

Statements by the secretariat

Rule 13

The Secretary-General of the United Nations, his representative or any m2ember of the secretariat designated by either for that purpose, may, at any time, make either oral or written statements concerning any question under consideration.

IV. OPENING OF THE CONFERENCE

Temporary Chairman

Rule 14

The Secretary-General of the United Nations or, in his absence, his representative shall open the first meeting of the Conference and preside until the Conference has elected its Chairman.

Decisions concerning organization

Rule 15

The Conference shall at its first meeting:

(a) Elect its Chairman;

(b) Adopt its rules of procedure;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Elect its officers other than the Chairman;

(e) Decide on the organization of its work.

V. CONDUCT OF BUSINESS

Quorum

Rule 16

The Chairman may declare a meeting open and permit the debate to proceed when at least one third of the representatives of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Speeches

Rule 17

1. No one may address the Conference without having previously obtained the permission of the Chairman. Subject to rules 18, 19 and 22 to 24, the Chairman shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of speakers.

2. Debate shall be confined to the question before the Conference and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the Chairman shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Points of order

Rule 18

During the discussion of any matter, a representative of any State participating in the Conference may at any time raise a point of order, which shall be immediately decided by the Chairman in accordance with these rules. Any such representative may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 19

Officers of subsidiary bodies may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of list of speakers

Rule 20

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 21

1. Notwithstanding rule 20, the Chairman shall accord the right of reply to a representative of any State participating in the Conference or of the European Economic Community who requests it. Any other representative, except those referred to in rule 57, may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State or of the European Economic Community may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 22

A representative of any State participating in the Conference may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, permission to speak on the motion shall be accorded only to two representatives in favour and to two opposing the adjournment, after which the motion shall, subject to rule 25, be immediately put to the vote.

Closure of debate

Rule 23

A representative of any State participating in the Conference may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 25, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 24

Subject to rule 35, a representative of any State participating in the Conference may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 25, be immediately put to the vote.

Order of motions

Rule 25

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 26

Proposals and substantive amendments shall normally be submitted in writing to the secretariat of the Conference, which shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The Chairman may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 27

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 28

Subject to rule 25, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 29

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VI. DECISION-MAKING

General agreement

Rule 30

The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

Voting rights

Rule 31

Each State participating in the Conference shall have one vote.

Majority required

Rule 32

1. Subject to rule 30, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Except as otherwise provided in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the Chairman of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the Chairman's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 33

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 34

1. Except as provided in rule 41, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the Chairman. The name of each State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any report on the meeting.

Conduct during voting

Rule 35

After the Chairman has announced the commencement of voting, no representative may interrupt the voting, except on a point of order in connection with the process of voting.

Explanation of vote

Rule 36

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The Chairman may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals

Rule 37

A representative may move that parts of a proposal be decided on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 38

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 39

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 40

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted upon in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted upon in the order in which the original proposals were submitted unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Elections

Rule 41

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 42

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

VII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 43

1. In addition to the Credentials Committee, the Conference may establish such subsidiary bodies as it deems necessary for the performance of its functions.

2. Subject to rule 4, the composition and competence of each subsidiary body will be determined by the Conference.

Rules of procedure of subsidiary bodies

Rule 44

Unless otherwise decided by the Conference, these rules apply, mutatis mutandis, to the subsidiary bodies, except that:

(a) Subject to subparagraph (b), the presiding officer of a subsidiary body may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the subsidiary body are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken;

(b) A majority of the representatives of the Credentials Committee shall constitute a quorum;

(c) The presiding officers of the subsidiary bodies may exercise the right to vote, provided that they are representatives of States participating in the Conference;

(d) Decisions of subsidiary bodies shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 29.

VIII. LANGUAGES AND RECORDINGS

Languages of the Conference

Rule 45

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 46

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

Languages of official documents

Rule 47

Official documents of the Conference shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 48

Unless otherwise decided, sound recordings of meetings of the Conference shall be made and kept in accordance with the practice of the United Nations.

IX. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 49

Unless otherwise decided, the plenary meetings of the Conference shall be held in public. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

Rule 50

As a general rule, meetings of subsidiary bodies shall be held in private.

Communiqués on private meetings

Rule 51

At the close of a private meeting, the presiding officer of the body concerned may issue a communiqué through the secretariat.

X. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 52

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies.

Representatives of national liberation movements

Rule 53

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on any matter of particular concern to those movements.

Representatives of the specialized agencies 1/

Rule 54

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

1/ For the purpose of these rules, the term "specialized agencies" includes the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

Representatives of other intergovernmental organizations

Rule 55

Save where otherwise specifically provided with respect to the European Economic Community in these rules, representatives designated by other intergovernmental organizations invited to the Conference, including regional and subregional fisheries organizations, may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

Representative of interested United Nations organs and bodies

Rule 56

Representatives designated by interested organs and bodies of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies on questions within the scope of their activities.

Representatives of non-governmental organizations

Rule 57

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and its subsidiary bodies, as appropriate.

2. Upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence.

Representatives of associate members of regional commissions

Rule 58

Representatives designated by associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, of its subsidiary bodies.

Written statements

Rule 59

Written statements submitted by the designated representatives referred to in rules 52 to 58 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence.

XI. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Method of suspension

Rule 60

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Method of amendment

Rule 61

These rules may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting.